

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ARMAND CORLEW, VINCENT RIGGI,  
STEPHEN CERNAK, JR., RUTH DEPAOLO  
and ANGELO RIGGI, individually and on  
behalf of a class similarly situated,

07 CV 3258 (KMW)

**DECLARATION**

Plaintiffs,

-against-

GENERAL ELECTRIC COMPANY,  
MONSANTO COMPANY, PHARMACIA  
CORPORATION and SOLUTIA, INC.

Defendants.

-----X  
LAWRENCE P. BIONDI, an attorney duly admitted to practice law before  
this Court and in the Courts of the State of New York, hereby declares the  
following to be true under penalties of perjury, pursuant to 28 U.S.C. § 1746:

1. I am the attorney for the Plaintiffs in this action. As such, I am fully familiar with the facts and circumstances set forth herein.
2. I respectfully submit this Declaration in opposition to the motions of Defendants Monsanto Company and Pharmacia (collectively "Monsanto") and General Electric Corporation ("GE") seeking dismissal of all or part of Plaintiffs' Complaint pursuant to Fed.R.Civ.P. 12(b)(6) for failure to state a claim upon which relief can be granted, including a statute of limitations argument addressed by GE to several of Plaintiffs' claims. Defendants also move to dismiss Plaintiffs'

claims for fraud and concealment under Fed. R Civ. P. 9(b) for failure to allege same with sufficient particularity. For the reasons set forth in further detail below and in Plaintiffs' accompanying Memorandum of Law, these motions should be denied.

3. Contrary to Defendants' contentions, none of Plaintiffs' claims is time barred; Plaintiffs' complaint properly states a claim for fraud and concealment; Plaintiffs' complaint properly states claims for negligent and intentional infliction of emotional distress, fear of contracting illness, and medical monitoring; Plaintiffs' complaint properly states a claim for damages based upon abnormally dangerous or ultrahazardous activity, nuisance and trespass; Plaintiffs' allegations of wilful and wanton conduct, supporting a claim for punitive damages, should not be stricken; and Plaintiffs have alleged valid claims against Defendants for unjust enrichment and CERCLA cost recovery.

4. Annexed hereto as Exhibit A in support of Plaintiffs' opposition is the Affidavit of Plaintiff Armand Corlew, sworn on May 15, 2007.

5. Annexed hereto as Exhibit B in support of Plaintiffs' opposition is the Affidavit of Plaintiff Vincent Riggi, sworn on June 4, 2007.

6. Annexed hereto as Exhibit C in support of Plaintiffs' opposition is the Affidavit of Plaintiff Stephen Cernak, Jr., sworn on May 15, 2007.

7. Annexed hereto as Exhibit D in support of Plaintiffs' opposition is the Affidavit of Plaintiff Ruth DePaolo, sworn on May 15, 2007.

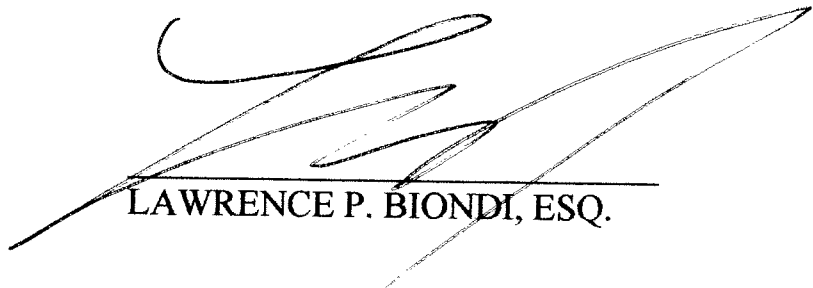
8. Annexed hereto as Exhibit E in support of Plaintiffs' opposition is the Affidavit of Plaintiff Angelo Riggi, sworn on May 15, 2007.

9. Annexed hereto as Exhibit F in support of Plaintiffs' opposition are relevant excerpts from GE's Revised Feasability Study Report dated May 2004.

10. Annexed hereto as Exhibit G in support of Plaintiffs' opposition are excerpts from the New York State Department of Environmental Conservation's Record of Decision dated March 2005 relating to the GE Main Plant.

WHEREFORE, for the reasons set forth above and in the accompanying Memorandum of Law, Plaintiffs respectfully ask the Court to deny Defendants' instant motions to dismiss.

Dated: White Plains, New York  
June 15, 2007



LAWRENCE P. BIONDI, ESQ.

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Defendants.

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**DECLARATION OF LAWRENCE P. BIONDI IN  
OPPOSITION TO GENERAL ELECTRIC, MONSANTO,  
AND PHARMACIA MOTIONS TO DISMISS**

LAW OFFICES OF  
LAWRENCE PERRY BIONDI  
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